IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 1ST JANUARY 2007 / 11TH PAUSHA 1928

WP(C).No. 20295 of 2006(N)

PETITIONER:
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1. RAJESH A.G., AGED 33 YEARS,
S/O. VELAYUDHAN, PORTER, BADGE NO.51,
CALICUT RAILWAY STATION, RESIDING AT
CHATHOTHU KUNNAMMAL HOUSE,
P.O.CHALAPPURAM, KOZHIKODE.

2. ABDUL AZEEZ P.P., S/O. N.P.AHAMMEDKOYA,
PORTER, BADGE NO.31, CALICUT RAILWAY STATION,
RESIDING AT P.P.HOUSE, MUNDOPPADAM (VAYAL),
P.O.ARAKKINAR, KOZHIKODE.

3. SUNDARAN K., AGED 38 YEARS,
S/O. KUMARAN, PORTER, BADGE NO.34,
CALICUT RAILWAY STATION, RESIDING AT
KUNDIL HOUSE, CHAKKORIKATTU PARAMBA,
P.O.ARAKKINAR, KOZHIKODE.

4. MOOSAKOYA A., AGED 51 YRS, S/O. HAIDRU,
PORTER, BADGE NO.11, CALICUT RAILWAY STATION,
RESIDING AT THOTTUPADAM NILAM,
OLAVANNA, KOZHIKODE.

5. MAMMEDKOYA T.P., S/O. KUNJUMOIDEEN,
PORTER, BADGE NO.77, CALICUT RAILWAY STATION,
RESIDING AT THOPPILAKAM PARAMBU,
P.O.KALLAI, KOZHIKODE.

6. VIJAYAN M.P., AGED 49 YEARS,
S/O. APPU M.P., PORTER, BADGE NO.24,
CALICUT RAILWAY STATION, RESIDING AT
CHEROTTU KUNNU, OLAVANNA.

7. V.P.RADHAKRISHNAN, S/O. NARAYANAN,
PORTER, BADGE NO.37, CALICUT RAILWAY STATION,
RESIDING AT V.T.HOUSE, VELLIYANCHERI,
P.O.CHALAPPURAM.

8. C.P.PRAKASAN, AGED 40 YRS,
S/O. KUMARAN, PORTER, BADGE NO.7,

CALICUT RAILWAY STATION, RESIDING AT CHERUPURAKKAL HOUSE, KUNNATHU PARAMBA, P.O.OLAVANNA, KOZHIKODE.

9. P.VELAYUDHAN, AGED 56 YRS, S/O. CHOYI, PORTER, BADGE NO.50, CALICUT RAILWAY STATION, RESIDING AT POOLAKKAL HOUSE, OLAVANNA, P.O.GURUVAYOORAPPAN COLLEGE, KOZHIKODE.

10. P.P.SREELAL, AGED 36 YEARS, S/O. CHANDRAN, PORTER, BADGE NO.36, CALICUT RAILWAY STATION, RESIDING AT VELLINCHERI HOUSE, P.O.CHALAPPURAM, KOZHIKODE.

11. N.P.NOUFAL, AGED 27 YRS, S/O. MAMMEDKOYA, PORTER, BADGE NO.47, CALICUT RAILWAY STATION, RESIDING AT THOTTAKUNI PARAMBA, NALLALAM P.O., AREEKKADU.

12. K.K.BALAKRISHNAN, AGED 52 YEARS, S/O. CHANDU, PORTER, BADGE NO.62, CALICUT RAILWAY STATION, RESIDING AT KARIKKIRIKANDI HOUSE, KATTILPEEDIKA PARAMBA, VADAKKECHAL ROAD, PALAZHI, P.O.GURUVAYOORAPPAM COLLEGE, KOZHIKODE.

13. E.T.HANEEFA, AGED 35 YRS, S/O. MUHAMMED, PORTER, BADGE NO.42, CALICUT RAILWAY STATION, RESIDING AT THEKKEPADANNA, KUNDUNGAL, P.O.KALLAI, KOZHIKODE.

14. K.V.GANESHAN, AGED 44 YRS, S/O. VELAYUDHAN, RESIDING AT KALAKKANDI PARAMBA, P.O.PUTHIYARA, KOZHIKODE.

15. MANOJ KUMAR M.P., S/O. VASU, PORTER, BADGE NO.21, CALICUT RAILWAY STATION, RESIDING AT KUNNUMMAL HOUSE, P.O.CHELANNOOR, KOZHIKODE.

16. SAJEESH P.T., AGED 35 YRS, S/O. CHEKKU, PORTER, BADGE NO.14, CALICUT RAILWAY STATION, RESIDING AT POTTAMMAL THAZHATHU HOUSE, P.O.PALATHU, KAKKODI.

17. K.BALAN, AGED 60 YRS, S/O. NARAYANAN, PORTER, BADGE NO.26, CALICUT RAILWAY STATION, RESIDING AT MUNDAYARVAYAL, THONNICHIRA, NORTH BEYPORE.

18. K.M.MOHANAN, AGED 42 YEARS,
S/O. KARUNAKARAN NAIR, PORTER,
BADGE NO.10, CALICUT RAILWAY STATION,
RESIDING AT AMBADI EAST HOUSE,
P.O.THEKKAN KUTTOOR, TIRUR.

19. K.P.HASSANKOYA, AGED 40 YEARS,
S/O. ABOOBACKER, PORTER, BADGE NO.17,
CALICUT RAILWAY STATION, RESIDING AT
VADAKKUMTHIRUTHI PARAMBA,
P.O.ARAKKINAR, MATHOTTAM.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:
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1. THE SENIOR DIVISIONAL COMMERCIAL
MANAGER, SOUTHERN RAILWAY, DIVISIONAL OFFICE,
COMMERCIAL BRANCH, PALGHAT.

2. THE STATION MANAGER,
CALICUT RAILWAY STATION.

3. PLATFORM SUPERVISOR,
CALICUT RAILWAY STATION.

BY ADV. SRI.ALEXANDER THOMAS, SC,RAILWAYS
SRI.T.G.RAJENDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 20295/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 **COPY OF THE PROFORMA LICENSE FORM ISSUED BY THE RAILWAY.**

EXT.P2 **COPY OF THE SUSPENSION ORDER ISSUED BY THE 2ND RESPONDENT DATED 10/01/2002.**

EXT.P3 **COPY OF THE SUSPENSION ORDER ISSUED BY THE 2ND RESPONDENT DATED 12/02/2002.**

RESPONDENT'S EXHIBITS

EXT.R1(a) **COPY OF TERMS AND CONDITIONS OF LICENCED COOLIE PORTERS.**

EXT.R1(b) **COPY OF THE SHOW CAUSE NOTICE DATED 14/02/2002.**

EXT.R1(c) **COPY OF THE LETTER DATED 07/02/2006 ISSUED BY THE SR.DCM.**

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, JUDGE

W.P (C) NO. 20295 OF 2006

Dated this the 1st day of January, 2007

J U D G M E N T

The petitioners have filed this writ petition for a direction to the Railway authorities to revoke their suspension. The learned Standing Counsel for the Railways submitted that the petitioners are accused in criminal cases i.e. in CC Nos. 282/2001 and 164/2002, which are pending before the Judicial First Class Magistrate Court - I, Kozhikkode. The case of the petitioners is as per the complaint lodged by the C & F Agent appointed by the Railway and not by the Railway authorities. The petitioners were porters, who have indulged in a clash with the workers employed by the C & F Agent inside the Railway premises. The Railway authorities therefore justified in keeping them under suspension as long as criminal cases are pending. However, since the cases are of 2001-2002, there will be a direction to the Judicial First Class Magistrate - I, Kozhikkode to dispose of the above referred criminal cases within a period of three months from the date of production of a copy of this judgment. The petitioners shall produce a copy of the judgment before the Magistrate for compliance. Even if

the complainant is not interested, the Magistrate shall compel witnesses to appear before the court and complete the trial.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

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